



## Newsletter

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### Session Planning: Save the Dates!

#### Legislative Council Adopts New Dates for Caucus and Orientation

The Legislative Council has adopted new 2016 dates related to preparation for the 2017 session:

- Caucus – Monday, Nov. 14 (morning).
- Training and orientation – Monday, Nov. 14 (afternoon) through Wednesday, Nov. 16.
- Rules committees – Wednesday, Dec. 7 (morning).
- Presiding officer training – Wednesday, Dec. 7 (afternoon).
- Budget training, 2019 Biennium Budget review, and other topics – Thursday, Dec. 8.

The first day of the 2017 session is Monday, Jan. 2, 2017. The House and the Senate will each convene at noon.

The council also adopted a tentative session calendar, which may be found online at the [2017 session web page](#).

### CFHHS Reviews Alzheimer's Bill Drafts, Mental Health Data Collection

The Children, Families, Health, and Human Services Interim Committee took a first look at several bills related to its Senate Joint Resolution 22 (2015) study of guardianship and Alzheimer's disease when members met in May.

The committee also heard about state databases that could be used to collect information on children's mental health outcomes and learned more about services being provided with new funding for mental health treatment.

### SJR 22: Guardianship/Alzheimer's Disease

The committee reviewed several initial bill drafts based on suggestions made by stakeholders during work on the SJR 22 study. The bill drafts,

which have not been formally requested by the committee and are listed below by a preliminary LC number, were as follows:

- LCCF02, to adopt model legislation on financial exploitation of vulnerable people.
- LCCF03, to appropriate \$240,000 for grants to facilitate the provision of services for people with Alzheimer's disease and related dementias.
- LCCF04, to appropriate \$1.5 million to the state's area agencies on aging.
- LCCF05, to create a \$240,000 grant program to train caregivers for people with Alzheimer's disease.
- LCCF06, to add 100 slots to the home- and community-based waiver program in each year of the next biennium.
- LCCF07, to establish an interdisciplinary network of guardianship stakeholders (WINGS) program.

After reviewing the drafts, the committee asked that LCCF04 be revised to provide more detail on how area agencies on aging will use the money for SJR 22 purposes; that LCCF05 be reviewed to ensure the grant money is used only for the intended purposes; that LCCF06 be revised to phase in the waiver slots in six-month increments and to increase the reimbursement rates for assisted living slots; and that staff develop options and cost estimates for LCCF07, creating the WINGS program.

Committee members also asked staff for bill drafts on the appointment of successor guardians and on ways to minimize potential conflicts involving people who provide financial services for individuals under a guardianship.

The committee will take another look at all of the bill drafts when it meets in June.

## **HB 422: Children's Mental Health Outcomes**

For the House Bill 422 (2015) study of children's mental health outcomes, the committee heard from various state agencies about existing databases that collect information on people involved in the justice and mental health systems. The committee asked for the information after learning in March that the Children's Mental Health Bureau doesn't have a database for tracking whether children who have received mental health services are able to remain at home, in school, and out of trouble, which are the desired outcomes committee members identified earlier this year.

The presentations in May about existing information management systems were as follows:

- John Daugherty, administrator of the Department of Corrections IT Division, discussed the Offender Management Information System (OMIS) and the types of

information it can capture and report on for offenders in the correctional system.

- Court Administrator Beth McLaughlin said state law would need to be changed to allow the youth court system to share information with the Department of Health and Human Services. She also cautioned the committee to carefully define what offenses would be relevant to the HB 422 work, because many youth are in the system for minor offenses.
- Stuart Fuller, administrator of the DPHHS Technology Services Division, discussed the development of a system used in the adult mental health system for collecting some outcomes data. He said the committee would need to clearly define data collection requirements before DPHHS could estimate the time and cost for creating a children's mental health system database for collecting outcome data.
- Ron Baldwin, chief information officer for the state, gave an overview of the time and costs involved in the current effort to adapt OMIS for use as a child welfare case management system. He also discussed the planning process for major IT projects.

The committee asked that additional information from private vendors be presented in June.

## **SB 418: Legislative Mental Health Investments**

Senate Bill 418 (2015) requires the committee to monitor the use of new funds appropriated by the 2015 Legislature for mental health services. Glenda Oldenburg, administrator of the DPHHS Addictive and Mental Disorders Division, updated the committee on the status of several programs. The following are some highlights:

- The state has paid for voluntary short-term inpatient treatment in the community for 17 people who were facing involuntary commitment proceedings. This newly funded program has diverted most participants from admission to the Montana State Hospital. Only two of the 17 individuals were committed to the hospital following the short-term treatment.
- Six people convicted of crimes but found to be mentally ill have been placed in the community after completing treatment in DPHHS custody and serving part of their criminal sentences. The placements were made using an enhanced payment rate for transitional mental health group homes.
- DPHHS has awarded a contract to Winds of Change in Missoula to provide peer support services. Peers have helped people enroll in Medicaid, establish relationships with primary care physicians, and connect to other community resources.

The committee also heard more about the financial pressures facing mental health centers that provide crisis services. Teresa Nichols of Western Montana Mental Health Center talked about the costs of providing residential crisis treatment, 24-hour crisis response, and prescriber services. Staffing those services has been a problem, she said, noting that Medicaid reimbursement rates don't cover those costs.

Carla Cobb, a psychiatric pharmacist at RiverStone Health in Billings, talked with the committee about the role that clinical pharmacist practitioners can play on a treatment team. Some pharmacists who have agreements with physicians can monitor and change medications for patients, she noted. However, she said that few pharmacists provide these services because Medicaid and most insurance plans don't reimburse for these medication therapy management services.

The committee asked for a bill draft that would require Medicaid reimbursement for medication therapy management services. Members will review the draft in June.

### **HB 142: Advisory Councils and Reports**

The committee reviewed LCCF11, a preliminary bill draft to eliminate DPHHS advisory councils that have not been active, as well as reports that are required by law but that haven't been published in recent years. The bill would eliminate the Child Support Enforcement Advisory Board, the Commission on Provider Rates and Services, the Community Health Centers Advisory Group, and the Montana 2-1-1 Community Coalition. The bill would also eliminate reports on community health center grants, statewide 2-1-1 calling system activity, the effectiveness of Medicaid managed care standards, the Big Sky Rx prescription drug discount program, and mental health services for children with serious emotional disturbance.

After reviewing the bill, the committee revised the draft so that the report on the effectiveness of Medicaid managed care standards would remain in law. The report has not been provided because Montana has not had a Medicaid managed care contract since the law requiring the report was enacted. However, members decided to retain the requirement in case the state does enter into such a contract in the future.

The committee's review of statutory advisory councils and statutorily required reports stems from House Bill 142 (2011), which required interim committees to conduct the review for the agencies they monitor. The committee will review LCCF11 again in June before deciding whether to introduce it during the 2017 legislative session.

### **Next Meeting**

The committee will meet on June 20 in Room 137 of the Capitol in Helena at a time to be determined. For more information on the committee's activities and upcoming meeting,

please visit the committee's website or contact Sue O'Connell, committee staff.

Committee Website: [www.leg.mt.gov/cfhhs](http://www.leg.mt.gov/cfhhs)

Committee Staff: [soconnell@mt.gov](mailto:soconnell@mt.gov) or 406-444-3597

## **Commission on Sentencing**

The 15-member Commission on Sentencing will continue its study of Montana's criminal justice system in mid-June with the assistance of the Council of State Governments (CSG) Justice Center.

The following topics will be covered at the meeting:

- Parole decision-making.
- Behavioral health resources and needs.
- Resources for and needs of crime victims.
- Resources for and needs of offenders and former offenders.
- Updates from other study entities on sexual assault, the public defender system, and judicial redistricting.
- Follow-up on past questions and further analysis of the system by CSG staff.

Time will be provided each day for the public to provide comments to the commissioners.

### **Next Meeting**

The commission will meet on June 22-23 in Room 152 of the Capitol in Helena at a time to be determined. For more information on the commission's activities and upcoming meeting, please visit the commission's website or contact Rachel Weiss, commission staff.

Commission Website: [www.leg.mt.gov/cos](http://www.leg.mt.gov/cos)

Commission Staff: [rweiss@mt.gov](mailto:rweiss@mt.gov) or 406-444-5367

## **Bills, Studies, and Workers' Compensation on EAIC Agenda**

The June 22 meeting of the Economic Affairs Interim Committee will include reviews of bill drafts concepts proposed by the Department of Commerce plus potential committee bills based on two assigned studies. The committee will also hear from the Montana State Fund regarding its budget as well as from those interested in expanding workers' compensation benefits for emergency responders.

### **Department of Commerce Bill Draft Proposals**

The Department of Commerce is one of eight entities monitored by the committee, which is responsible for hearing

proposed legislation of the monitored entities and forwarding the proposals for drafting so that the agencies can meet the presession introduction deadline for the next legislative session. The other agencies proposing legislation for the 2017 session will present their concepts at the committee's Aug. 30-31 meeting.

The Department of Commerce is looking at bills to do the following:

- Revise the revolving loan fund intended to help Montana's wood products industry.
- Revise the duties of the Board of Horse Racing's executive secretary.
- Revise the scope of loan servicing that the Board of Housing is allowed to do.

### Potential Committee Bills

Also on the agenda is suggested legislation for wrapping up studies related to licensing boards under Senate Bill 390 (2015) and to air ambulances under House Joint Resolution 29 (2015).

### SB 390 Bill Draft Options

The SB 390 licensing board study focused primarily on licensing fees and the costs of running the boards. A related issue that arose during the study was whether the department ought to be more actively involved in supervising board decisions with antitrust implications. Three bill options will address that subject.

One bill would encapsulate the status quo in which the Department of Labor and Industry advises licensing boards about potential concerns with board policies. In these situations, board members who proceed against the department's advice on antitrust issues would be told that they may be held individually liable if a court case results.

Another bill would give authority to the Commissioner of Labor and Industry to provide some active supervision over the boards if board decisions might be construed as anticompetitive. This bill, along with a third bill option, provides immunity to board members to keep them from being individually liable in a court action against the state.

The third bill option would provide active supervision authority to an on-call oversight committee that is not dominated by representatives of the industry being regulated.

### JR 29 Bill Draft Options

No specific bill draft proposals are available yet for the air ambulance study, although a working group organized by the State Auditor's Office continues to discuss potential options.

## Workers' Compensation Benefits

In addition to the committee's statutorily required review of the Montana State Fund budget, the committee will hear from emergency responders about a request to reconsider the state policy that says workers' compensation benefits are not intended for posttraumatic stress disorder claims.

Similarly, firefighters have asked that the committee reconsider a proposal brought during past interims related to presumptive diseases. The idea is that an emergency responder with some forms of cancer or other diseases found to be scientifically linked to fires or similar hazards is automatically presumed to be entitled to workers' compensation without having to prove a link between the disease and the hazardous work-related activity.

Other agenda items include reviews related to the Board of Livestock's budget and that board's proposal to revise assessments on milk producers and initiate assessments on processors of milk, cheese, and ice cream. The executive officer of the Department of Livestock is also expected to give an update on bison-related concerns.

### Next Meeting

The committee will meet at 8:30 a.m. on June 22 in Room 137 of the Capitol in Helena. For more information on the committee's activities and upcoming meeting, please visit the committee's website or contact Pat Murdo, committee staff.

Committee Website: [www.leg.mt.gov/eaic](http://www.leg.mt.gov/eaic)

Committee Staff: [pmurdo@mt.gov](mailto:pmurdo@mt.gov) or 406-444-3594

## Education and Local Government Work Continues in June

The Montana University System, K-12 transportation, county roads, and volunteer firefighters are among the topics that will be featured on the Education and Local Government Interim Committee's June meeting agenda. Two meetings remain for the committee, which will continue to fulfill its statutory duties, wrap up its assigned studies, and explore a variety of subjects suggested for review by committee members.

### Regents and Research in the University System

As part of the committee's ongoing monitoring of the Montana University System, committee members will visit with Board of Regents presiding officer Paul Tuss on the second day of the committee's June 22-23 meeting. The discussion will cover board projects and initiatives, community colleges, and teacher training.

University researchers have appeared on the last three committee meeting agendas to discuss projects funded by the

2015 Legislature's \$15 million Research Initiative appropriation. The projects involve research in the following areas:

- Optics and photonics to be used for precision agriculture, wildfire mapping, natural resource monitoring, monitoring cell growth, hyperspectral imaging, and micromirror technology.
- Development of monitoring technology to intensify pulse crop and cover crop production and to develop new and improved crops and farming practices.
- Development of diagnostic technology and therapies for traumatic brain injuries and expansion of clinical services for brain injury survivors.
- Development of new therapeutics to reduce the impacts of inflammatory and infectious diseases on animal and human health.
- Support of a collaboration researching nonopioid chronic pain treatments, the development of a brain function analysis tool to improve mental health diagnostic processes, and the application of a suicide intervention program in selected high schools.
- Development of water quality monitoring instrumentation and demonstration of the commercial viability of the product.
- Development of technology to detect leaks in oil and gas wells and to seal leaks at greater depths, as well as to investigate clean coal technologies.
- Exploring the use of drones for wildfire management.
- Production of bio-based fuels using oilseed crops and the eventual establishment of a biorefinery to process industrial oilseeds.
- Development of magnetic technology to extract metal contaminants from flowing wastewater.
- Development of bacteria-based technology to clean up sites contaminated by chlorinated pollutants.

At the June meeting, the MUS research director will update the committee on the status of the projects and review the Research Initiative program.

### **One Study Concluded, Two Continuing**

At its April meeting, the committee opted to conclude its work on the House Joint Resolution 26 (2015) study of youth concussion laws. A summary of the information that was provided to the committee and the study conducted by the University of Montana's Department of Health and Human Performance's Athletic Training Program will be included in the committee's final report.

Also in April, staff members presented the committee with options to consider in moving forward with the Senate Joint Resolution 20 (2015) study of county road easements on state trust land. The committee opted to explore the potential legal implications of amending 77-1-130, MCA, to require collection of the full market value of the "estate or interest disposed of," rather than of the full market value of the acreage, from applicants for a historic right-of-way deed. Legal staff will provide an analysis of the issue at the June meeting. Members also indicated interest in receiving more information about the resources needed to identify and map the publicly used roads throughout the state that are subject to this requirement.

With respect to the Senate Joint Resolution 21 (2015) study of local fire and emergency services, the committee will again review changes to a preliminary bill draft that would divert a portion of the fire insurance premium tax to fund cost-share assistance for workers' compensation for volunteer firefighters. The committee requested additional fiscal information regarding fire insurance premium tax revenue and general fund contributions to firefighter pensions.

### **Office of Public Instruction Activities and Other K-12 Issues**

The committee will continue to monitor the Office of Public Instruction's activities and programs, including implementation of the federal Every Student Succeeds Act and negotiated rulemaking.

Committee staff will present results of additional research regarding K-12 transportation and potential legislative options for addressing problems with the statutory reimbursement schedule identified in a 2013 Legislative Audit Division review of school transportation.

### **Next Meeting**

The committee will meet on June 22-23 in Room 102 of the Capitol in Helena at a time to be determined. For more information on the committee's activities and upcoming meeting, please visit the committee's website or contact Leanne Kurtz, committee staff.

Committee Website: [www.leg.mt.gov/elgic](http://www.leg.mt.gov/elgic)

Committee Staff: [lekurtz@mt.gov](mailto:lekurtz@mt.gov) or 406-444-3593

### **ETIC Requesting Public Comment on 9-1-1 Legislation**

During the Energy and Telecommunications Interim Committee's May meeting in Kalispell, members agreed to move forward with draft legislation to update and revise Montana's 9-1-1 laws and a related draft final report.

The committee is seeking public comment through June 17 on the draft legislation and final report. As guided by House Joint Resolution 7 (2015), the committee is reviewing next-generation 9-1-1 (NG911). Early in the interim, the committee asked stakeholders to work together on NG911 and to provide the committee with recommendations on planning for and implementing NG911. Stakeholders, along with an advisory council formed by the governor, provided the committee with recommendations on how to update Montana's 9-1-1 laws and use NG911 to enhance public safety in Montana.

The bill draft requested by the committee incorporates the advisory council's recommendations and focuses specifically on NG911. It also updates Montana's statutes to address evolving technology. The preliminary bill draft (LCET04) addresses the following:

- Jurisdiction and the division of authorities and responsibilities between state and local governments.
- Governance and recommendations for engaging state and local stakeholders in future program management.
- Technology and recommendations for current 9-1-1 systems and supporting deployment of NG911.
- Updating the overall funding mechanism for and distribution of 9-1-1 funds in Montana.

In July, the committee will review and discuss the public comments received on the preliminary draft legislation. The committee will then determine how best to amend the draft and whether it should be brought before the 2017 Legislature. To comment on the draft, please visit the committee's website at [www.leg.mt.gov/etic](http://www.leg.mt.gov/etic).

## Net Metering

The committee continues to work on its net metering assignment as outlined in Senate Joint Resolution 12 (2015). NorthWestern Energy and the Montana Renewable Energy Association (MREA) reported in May that they continue to work toward defining elements of an agreement on a revised framework for net metering in Montana. They are focusing on implementing interconnection standards and rules, technology and practice modifications for customer generators, the timing and framework of a net metering cost-benefit analysis, and consumer protections for existing customer generators under future net metering policy changes.

Montana-Dakota Utilities requested to be part of the discussions between NorthWestern Energy and MREA. The committee asked the three groups to work together during the next two months and report back at the July meeting on areas of agreement.

## Next Meeting

The committee will meet on July 14-15 at the Capitol in Helena at a time to be determined. For more information on the committee's activities and upcoming meeting, please visit the committee's website or contact Sonja Nowakowski, committee staff.

Committee Website: [www.leg.mt.gov/etic](http://www.leg.mt.gov/etic)

Committee Staff: [snowakowski@mt.gov](mailto:snowakowski@mt.gov) or 406-444-3078

## EQC Supports Grizzly Delisting

The Environmental Quality Council in May backed a federal proposal to remove grizzly bears in the Greater Yellowstone area from the list of threatened and endangered species. The council also advocated the delisting of the grizzly bear statewide.

The council voted 11-5 in favor of the council commenting on the proposal by the U.S. Fish and Wildlife Service and sending letters supporting delisting to the U.S. secretary of the interior and to wildlife managers in Idaho and Wyoming. The letters and roll call vote are available online at the council's [May meeting materials web page](#).

The U.S. Fish and Wildlife Service proposed delisting Yellowstone grizzlies in March of this year. Public comment was accepted through May 10.

## Yellowstone Bison

Also at its May meeting, the council heard presentations on a proposal by Yellowstone National Park to quarantine Yellowstone bison at one or more new facilities that could be located within the park, on tribal lands, or elsewhere. The park released a draft environmental assessment for public comment in January. Public comment closed February 15.

The alternatives listed in the draft environmental assessment include (1) no action, (2) quarantine facilities within the Designated Surveillance Area (DSA) for brucellosis, or (3) quarantine facilities outside of the DSA, namely Fort Peck.

The Montana Department of Livestock (DOL) and Department of Fish, Wildlife and Parks (FWP) and the U.S. Department of Agriculture's Animal and Plant Health Inspection Service all submitted comments, which are available on the council's web page for the May meeting. The DOL asserts that transporting bison to Fort Peck as proposed is not allowed under state law because the bison would still be in a state of quarantine and not yet certified by the state veterinarian as brucellosis-free.

The council heard from all parties on May 5. Yellowstone Superintendent Dan Wenk said he expects to issue a decision

in May. However, he said that doesn't mean activities would begin immediately.

## State Parks

The council learned about revenue and fees at Montana's 55 state parks where visitation has increased by 32 percent in the last five years. Almost 80 percent of park users are Montana residents, who aren't required to pay entry or day use fees. Instead, Montana residents may pay a \$6 fee when they license their cars or light trucks. The fee is paid on about 75 percent of registered vehicles and amounts to about \$3.75 million annually.

Questions about state park funding loom after facility inventories conducted last year found \$18.5 million in infrastructure needs at 33 parks.

An emerging land management issue may also cost the agency. Some state park property was purchased using money from hunting and fishing license dollars. If the property is no longer used for fish and wildlife purposes, FWP is required to replace that property with land of equal value that will be used for those purposes. FWP told the council that a portion of West Shore State Park on Flathead Lake is no longer used for fish and wildlife purposes. A land management exchange may help alleviate the problem, but because Flathead Lake property is so expensive, some money might also be needed for full compensation. FWP is asking an appraiser to evaluate the parcel to provide a sense of its value.

## HJR 13 Findings

The council proposed findings for its House Joint Resolution 13 (2015) report on federal roads but did not offer any recommendations. The findings and the report will be reviewed at the council's July meeting before going out for public comment.

## Other Updates

The Department of Natural Resources and Conservation reported on the overall health of its forests, the upcoming fire season forecast, and a timber harvest program on federal, state, private, and tribal lands known as Forests in Focus.

The council finished its evaluation of Wildlife Division programs under FWP with a review of general wildlife management activities, including species surveys and inventories, season setting, and research. Updates on elk shoulder seasons, game damage hunts, and the block management program were also received.

## Next Meeting

The council will meet on July 20-21 in Room 317 of the Capitol in Helena at a time to be determined. For more

information on the council's activities and upcoming meeting, please visit the council's website or contact Joe Kolman, committee staff.

Committee Website: [www.leg.mt.gov/eqc](http://www.leg.mt.gov/eqc)

Committee Staff: [jkolman@mt.gov](mailto:jkolman@mt.gov) or 406-444-3747

## LJIC Tours Prison, Hears Reentry Report, and Continues Sexual Assault Study

At its April meeting, the Law and Justice Interim Committee toured the Montana State Prison in Deer Lodge, heard a report with recommendations on offender reentry, and continued its study of Montana's sexual assault laws.

### Prison Tour

Five committee members participated in an optional tour of MSP and the Montana Correctional Enterprises (MCE), which included a ranch and dairy. Visiting with staff from the State Prison and from MCE, committee members learned more about several aspects of prison operations, including educational, vocational, and behavioral health and medical treatment programs, the various housing units, and the prison dairy.

### Offender Reentry

The full committee convened on April 21, listening first to a presentation on the work and recommendations of the State-wide Reentry Task Force created to advise the Department of Corrections on how it can ease the transition challenges offenders face when reentering communities from secure custody. The task force is a multiagency body created by the 2013 Legislature in a bill requested by the 2011-2012 Law and Justice Interim Committee.

After the department's government relations director, Adrienne Slaughter, explained the history, recent work, and specific successes of the task force, two task force members — Moe Wosepka, who helped create and works with a Helena-area reentry organization, and Stacy Collette, a Department of Labor and Industry employee — explained the various challenges that offenders face when preparing to return to and then actually reintegrating into Montana communities. Both speakers highlighted the challenge of finding stable and affordable housing.

The task force presenters then discussed the recommendations for policy and legislative changes from the group's annual report to the committee, which were grouped into three topics areas: community-based reentry centers and programs, access to housing, and collateral consequences.

## Sexual Assault Study

Next, the committee's staff attorney, Julianne Burkhardt, reviewed draft language for each of eight possible bills the committee is considering as part of its continuing study of sexual assault in Montana. The preliminary bill drafts offered various policy options for the members to consider in the following four broad subcategories:

- Sexual assault definitions, including the definition of "consent."
- Unlawful distribution of sexual recordings or images (often referred to as "revenge porn" laws).
- Statutory rape penalties.
- Statutes of limitation for prosecution of sex crimes.

## DNA Database

The committee wrapped up a full morning of work with a presentation from Joe Pasternak, the DNA section supervisor of the Montana Crime Lab in Missoula. Pasternak explained how the DNA Identification Index, commonly known as the DNA database, is created and operates. The Montana database was created by the Legislature in 1995 and houses DNA samples from all felons, from offenders who were convicted of an offense in another state that is equivalent to a Montana offense and who have been placed on community supervision in this state, and from sexual and violent offenders. The database also includes forensic case samples and samples related to missing persons cases. Pasternak explained the FBI's CODIS database, the security measures surrounding who may access the DNA samples and what information can be displayed, and how samples are stored at the crime lab.

## Sexual and Violent Offender Registry

In the afternoon, the committee again dove into its study of sexual assault in Montana when it heard from Deputy Attorney General Jon Bennion about the history of the sexual and violent offender registry in Montana, which is maintained by the Department of Justice. Bennion also reviewed several statistics related to offenders listed in the database, including the number of offenders who were juveniles at the time of the offense that resulted in their placement on the registry, and the current age and qualifying crime of the listed offenders.

Andy Hudak, representing the Montana Sex Offender Treatment Association, then discussed recommendations for possible changes to the registry and the nature of the sex offenders he and others in the association treat.

## Public Intoxication and Eyewitness Identification

Also at the April meeting, the committee listened to updates on two other topics of interest to committee members: public

intoxication challenges faced by local governments, and the eyewitness identification policies of local law enforcement agencies.

After Rachel Weiss, committee staff, outlined the language of a draft bill that would allow a local government to adopt an ordinance prohibiting being incapacitated by alcohol in a public place, the committee heard public comment about the draft language and the experiences of the Billings community that were relevant to the draft language.

Michelle Feldman of the Innocence Project and Perry Johnson, executive director of Montana's Public Safety Officer Standards and Training (POST) Council, updated the members on training that the POST Council recently offered to local law enforcement agencies. The training related to using proper techniques when having crime witnesses identify possible suspects in a lineup. Feldman and Johnson also discussed the initial results of a survey that Johnson's agency sent out to agencies to identify agencies with a model policy related to eyewitness identification. The final survey results will be available in time for the committee's June meeting.

## Work Session

During a robust work session, committee members discussed in depth the further changes or clarifications it would like to make to the committee's preliminary bill drafts. The committee made the following decisions:

- To continue work on a bill draft to create an unlawful distribution of sexual images or recordings crime. However, the committee will restrict its work to one particular preliminary bill draft, LCLj02b, which would incorporate changes to the current statutory framework related to privacy in communications.
- To request that staff develop a preliminary bill draft that would allow for the termination of the parental rights of rapists when a child is conceived.
- To request a draft bill to change the process used to place the names of juvenile offenders convicted of certain sexual offenses on the sexual and violent offender registry.

Language for each of the bills will be available for public comment and committee discussion at the committee's June meeting.

## Next Meeting

The committee will meet on June 28-29 in Room 102 of the Capitol in Helena at a time to be determined. For more information on the committee's activities and upcoming meeting, please visit the committee's website or contact Rachel Weiss, committee staff.

Committee Website: [www.leg.mt.gov/ljic](http://www.leg.mt.gov/ljic)

Committee Staff: [rweiss@mt.gov](mailto:rweiss@mt.gov) or 406-444-5367

## Legislative Audit Committee to Meet in June

The Legislative Audit Committee will meet in June to review recent audits of state programs and services. The Legislative Audit Division anticipates reporting on the following topics:

### Financial Compliance Audits

- Department of Agriculture
- Department of Livestock
- Montana Arts Council
- Montana Single Audit Report
- Montana State Fund
- Montana State Library Commission

### Financial Audits

- Montana Water Pollution Control and Drinking Water
- State Revolving Fund Programs
- State of Montana

### Performance Audits

- Montana Veterinary Diagnostic Lab
- Office of Public Instruction Data Collection
- Regulation of Independent Contractors

### Contract Audits

- Dawson Community College
- Flathead Community College
- Miles Community College

### Follow-Up Reports

- Property Tax Relief
- Public Employee Retirement Information Systems Development Life Cycle
- Offender Management Information System

Other agenda items will include the appointment of a new legislative auditor as current legislative auditor Tori Hunt-hausen will be retiring on June 30. The committee will also review potential legislation for the 2017 session, 2017 performance audit topics, and the division's 2017 operating plan.

### Next Meeting

The Legislative Audit Committee will meet on June 16-17 in Room 137 of the Capitol in Helena at a time to be determined. For additional information on the committee's activities and upcoming meeting, please visit the division's website or contact division staff.

Division Website: [www.leg.mt.gov/audit](http://www.leg.mt.gov/audit)  
Division Phone Number: 406-444-3122

## Legislative Council Addresses a Variety of Matters

At its May meeting, the Legislative Council discussed and acted on a variety of topics, including session rules, legislator pay, administrative rule review, remote testimony, TVMT, legislator appointments, the 2017 session calendar, legislator e-mail and public records policies, and legislative office space. The next council meeting will be in August.

### Call for Legislator Input on Session Rules: Still Time to Comment

The Rules Subcommittee met and started a list of Joint, House, and Senate Rules to discuss for potential changes. The subcommittee is seeking information from legislators on potential changes in session rules or areas of concern. Members of the subcommittee are Rep. Bryce Bennett (D-Missoula), subcommittee presiding officer; Rep. Stephanie Hess (R-Havre); Sen. Edward Buttrey (R-Great Falls); and Sen. Tom Facey (D-Missoula). The subcommittee will meet again on Aug. 24.

Any legislator wishing to provide comments, questions, or ideas on rules changes should e-mail Todd Everts ([teverts@mt.gov](mailto:teverts@mt.gov)) or Susan Fox ([sfox@mt.gov](mailto:sfox@mt.gov)) or call 406-444-3064. Ideas are also welcome on training and other ways to assist legislators in understanding or using the legislative rules.

### Legislator Pay and SB 283 Stipends

The council adopted two options for legislators to receive the stipend passed in Senate Bill 283 (2015). The new stipend will become effective on July 1, 2017, and will replace the former IT allowance. However, a mechanism to allow eligible legislators to still receive the IT allowance for the 2017 session is being researched.

Regarding legislator pay, the council asked for more information on the summary of wage and benefit components in Montana's private sector. The council also requested that language be developed tying legislator pay to an average hourly wage in Montana and indexing it for corresponding wage growth or decline.

### Administrative Rule Review

Staff reported on the various tools used to train legislators and staff on the legislative delegation of rulemaking authority, including training during the upcoming session orientation that will be targeted for legislators and staff alike. Staff noted that legislators expect to receive more information about

rulemaking, and bill drafters will be reminded to have a good discussion with legislators during the bill drafting process about grants of rulemaking authority. The council is seeking input from chief legal counsels of some executive agencies and asked for a panel discussion on rulemaking at the council's August meeting.

### **Remote Testimony**

The council received information on the possibilities for remote meeting or testimony. Staff will be preparing information on the available technology and offering guidance for potential logistical concerns. The council is interested in a pilot project for the 2017 session if all of the concerns can be addressed.

### **TVMT Advisory Council**

The council adopted the concept of a TVMT Advisory Council to advise the Legislative Services Division as well as the production contractor, HCTV. The council will also further discuss providing guidance and general policies on TVMT content.

### **Tentative 2017 Session Calendar Adopted**

The council adopted a tentative 2017 session calendar, which provides some advance information for session planning. However, any calendar is subject to change by the new leadership, who will be elected in November at the caucuses. To review the new calendar, go to the [2017 session web page](#).

### **Legislator Appointments**

The council adopted revised proposed guidelines for legislator appointments. These guidelines will help legislators and bill drafters when considering legislation for a nontraditional interim study, committee, task force, and so forth. The guidelines will be included in the 2016 Bill Drafting Manual available later this summer.

### **E-mail and Public Records**

The council is the records committee for the Legislative Branch and will be adopting an updated records management policy in August. In conjunction with this effort, a packet of information for legislators is being developed as a part of session orientation and training. The packet will provide legislators with guidance on what is considered a public record and how to fulfill a public records request, including requests for copies of e-mail correspondence. The Legislative Services Division will also outline the services that it can provide to legislators in fulfilling public records requests, such as legal consulting and provision of a state e-mail account, archive, and search capabilities.

### **Legislative Space**

The council received information from the General Services Division regarding activities in the Capitol affecting legislative space. New paint has been a top priority around the Capitol. Carpeting is being replaced in many hearing rooms on the first floor, in the elevators, in the Senate bull pen, and in the third- and fourth-floor hallways. All of the skylights are being evaluated and will be upgraded as possible, starting with the oldest rooms. The skylight in Room 303 (the old Supreme Court chamber) is 116 years old, and the skylight in the House of Representatives chamber is 106 years old.

Sen. Debby Barrett (R-Dillon) presented information regarding a request for Room 336 to be returned to legislative space. This topic will be placed on the council's August meeting agenda.

Staff outlined additional space needs and will bring options and cost estimates to the August meeting as well.

### **Next Meeting**

The Legislative Council will meet on Aug. 24-25 at the Capitol in Helena at a time to be determined. The Rules Subcommittee will meet in the morning on Aug. 24. For more information on the council's activities and upcoming meetings, please visit the council's website or contact Susan Byorth Fox, council staff.

Council Website: <http://leg.mt.gov/legcouncil>

Council Staff: [sfox@mt.gov](mailto:sfox@mt.gov) or 406-444-3066

### **Legislative Finance Committee's Quarterly Meeting in June**

The Legislative Finance Committee's quarterly two-day meeting will include presentations on the 2019 biennium budget outlook, the budget status report, legislative budget policy choices, and other items. All handouts for the meeting will be available on the committee's website at [www.leg.mt.gov/lfc](http://www.leg.mt.gov/lfc).

### **2019 Biennium Budget Outlook**

Legislative Fiscal Division staff will review the budget outlook for the 2019 biennium, which will include a revenue forecast and summary, expenditure highlights, and other budget considerations.

### **Budget Status Report**

Staff will also present the Budget Status Report, which will include an analysis of changes to departmental budgets and expenditures to date. The report will also include a summary of program transfers, reorganizations, operational plan changes, budget amendments, statutory appropriations, and carry forward appropriations.

## Budget Policy Choices

The committee will also discuss the following budget policy areas and associated choices:

- The preliminary 2017 executive modified base budget.
- A budget analysis mock-up for the regular budget analysis of agencies.
- Budget analysis examples for agencies that were largely funded by the Legislature on a one-time-only basis.
- Follow-up on questions about long-term budgeting and zero-based budgeting.

## Other Reports

Other presentations planned for the June meeting include the following:

- A report by legislative staff on Medicaid monitoring.
- Staff updates on the Montana HELP Act, Medicaid expansion, and HELP Link Workforce Training Program.
- Dan Villa, director of the Governor's Office of Budget and Program Planning, has been invited to give an update on the executive budget.
- An update from the State Information Technology Division on IT portfolio changes, CIO policy change, MMIS final costs and next steps, and IT budget policy recommendations.
- An update by Greg Stinar of the Department of Justice on the Montana Law Enforcement Academy study under House Joint Resolution 8 (2015).
- A staff update on the continued study of statutory appropriations.
- A staff update on the use of best practices by drug courts in Montana.
- A staff analysis of the Office of the State Public Defender's dependent neglect and conflict cases.
- A update by staff on the state employee and Montana University System employee health insurance plans, including information on state employee health clinics and health risk assessment data for both plans.
- A staff report on state infrastructure budgeting and funding, which will include information on the budget proposal process, prioritization, funding mechanisms, budget trends, and pressure points.
- An update by Legislative Research Analyst Pad McCracken of the Legislative Services Division on the School Funding Interim Commission.

## Next Meeting

The committee will meet on June 9-10 in Room 102 of the Capitol in Helena at a time to be determined. For more information on the committee's activities and upcoming meeting, please visit the committee's website or contact the Legislative Fiscal Division.

Committee Website: [www.leg.mt.gov/lfc](http://www.leg.mt.gov/lfc)

Committee Staff: [acarlson@mt.gov](mailto:acarlson@mt.gov) or 406-444-2986

## RTIC Will Begin to Wrap Up Interim Studies

During the next Revenue and Transportation Interim Committee meeting, the committee will begin to wrap up its interim studies and continue with revenue-estimating and agency monitoring duties.

## Committee Studies

Several agenda items at the next meeting will be devoted to four of the committee's nine interim studies. For the tax liens and tax deeds study, the committee will consider recommendations from an independent working group on changes to the current process. Agenda items for the study on the adequacy of local government revenue-generating capacity will include an analysis of local government revenue sources and of changes in entitlement share payments through the years.

Agenda items for the highway state special revenue account (HSRA) study will include the following:

- Information on linking the fuel tax to gas prices.
- An overview of the construction manager/general contractor method of project delivery.
- Information on the distribution of vehicle registration fees.
- Highway Patrol data on crashes and citations.
- Information on the revenue effects of depositing fines in the HSRA.
- Recommendations from the departments of Justice and Transportation.

The study on the treatment of intangibles for centrally assessed property valuation will conclude with a presentation of legislative proposals by invited interested parties.

Committee members will then consider whether to develop recommendations or legislation for each of its nine studies. Studies on the following topics were considered closed after the March meeting and only have agenda items devoted to considering recommendations or legislation:

- Tax increment financing.
- Elderly homeowner/renter credit.
- Property taxable value neutrality.
- Nonprofit reporting of community benefits.
- Taxation of international corporations doing business in Montana.

### Agency Monitoring

The departments of Revenue and Transportation and the Montana Tax Appeal Board will each have the opportunity to request agency legislation at the June meeting.

In addition, the Department of Transportation will update the committee on public transportation and respond to a request for information on the demographics of the engineering staff related to retirement eligibility. The Montana Tax Appeal Board will update the committee on its caseload and recently completed cases. Department of Revenue agenda items include the presentation of a required report on countries that may be considered tax havens, a litigation report, and a tax season update.

### Revenue Estimating and Monitoring

The June meeting will also include presentations by Legislative Fiscal Division staff on the general fund outlook for the 2019 biennium, FY 2016 general fund revenue collections to date, and health insurance premium tax revenue.

As the committee responsible for introducing a revenue estimate for the next legislative session, committee members will also discuss what information they wish to receive at the September and November meetings to help them adopt a revenue estimate. The committee will also receive the recommendations of a subcommittee formed to consider whether the full committee should recommend formalizing a session subcommittee that is devoted to considering the revenue estimate during legislative sessions.

### Other Issues

Committee members will also continue their discussion of the legislative session procedure for revenue bills with a summary of the committee's March discussion and additional analysis of the outcome of revenue bills originating in the standing tax committees.

State law also requires that the committee consider whether to recommend an adjustment to the income relief multiple that, if changed from zero, would create a refundable income tax credit based on property taxes paid on a principal residence.

Staff will also present the committee with suggested clean-up legislation, and the committee will have the opportunity to

offer input on whether to support an effort by the Economic Affairs Interim Committee to move monitoring of the Department of Revenue's Liquor Control Division from RTIC to the EAIC.

### Next Meeting

The committee will meet at 8 a.m. on June 9-10 in Room 137 of the Capitol in Helena. For more information on the committee's activities and upcoming meeting, please visit the committee's website or contact Megan Moore, committee staff.

Committee Website: [www.leg.mt.gov/rtic](http://www.leg.mt.gov/rtic)

Committee Staff: [memoore@mt.gov](mailto:memoore@mt.gov) or 406-444-4496

### School Funding Commission Continues Learning, Prepares for "Finals"

The School Funding Interim Commission established under Senate Bill 128 (2015) met May 3 and May 5 at the Capitol in Helena and will hold its final meeting of the interim on Monday, June 13.

The commission's work is often referred to as "the decennial study" because it fulfills a statutory requirement that Montana's K-12 school funding formula be reviewed at least every 10 years. The 16 commission members (12 legislators and four public members) are tasked with reassessing the needs and costs related to the basic system of free quality public elementary and secondary schools and recommending to the 65th Legislature any changes to the state's funding formula deemed necessary.

### Federal Impact Aid

At its May meeting, the commission continued its exploration of school district structure and equity issues. One difficult to grasp and commonly misunderstood mechanism of school funding is federal Impact Aid.

With assistance from Nicole Thuotte, who administers Impact Aid at the Office of Public Instruction, the commission learned that Impact Aid is money that school districts receive directly from the federal government that is based on a student's relationship to nontaxable federal land. If a student resides on federal land (tribal land, national park land, military bases, and so forth) or if a student's parent is employed on federal land, this status triggers varying amounts of Impact Aid as a way of replacing local revenue unavailable because of the nontaxable status of federal land.

About 75 Montana school districts receive Impact Aid, totaling about \$50 million statewide annually. Thuotte also emphasized the lack of reliability of Impact Aid due to federal budget issues. Districts are not sure from year to year how much they will receive or when they will receive it.

Some school districts that receive a lot of Impact Aid revenue adopt general fund budgets at or near the BASE level, which is the minimum level. This is due to the lack of taxable property in the district and the fact that over-BASE budgets are largely funded by local voted property tax levies.

The commission was also interested in learning about districts that adopt general fund budgets above the maximum level. BASE and maximum budget limits were enacted in an effort to fulfill Montana's constitutional guarantee of "equality of educational opportunity." The commission learned that various statutory changes have allowed districts to adopt general fund budgets above the maximum budget limit. In fiscal year 2016, 125 of Montana's 404 operating school districts were operating "over-max" — that is, with budgets over the maximum limit — with some district budgets nearing 150 percent of the limit.

### **Equalizing BASE Mills**

The commission sifted through lengthy spreadsheets showing district impacts of several proposals for equalizing BASE mills. BASE mills are those mills levied at the district level in order to bring the district's general fund budget up to the BASE level after state payments and nonlevy revenues have been factored in. The number of BASE mills levied district to district varies greatly due to the availability of nonlevy revenues and district taxable valuation. The commission found the complexity of this topic daunting but may examine it again in June.

### **Tuition and Attendance**

The commission also discussed tuition laws and out-of-district-attendance agreements. The commission also heard back from a working group led by Sen. Kristin Hansen (R-Havre) on possible ways of defining isolated schools for the purpose of revising the Quality Educator Loan Assistance Program. The working group is recommending that the program increase its focus on isolated schools as measured by drive time from larger cities and towns. A formal proposal for this revision will be discussed by the commission at its June meeting.

### **Facilities Proposals Emerging**

Facilities funding has emerged as perhaps the most pressing issue facing the commission. The commission has begun framing this conversation in terms of three tiers or "buckets" related to facility needs, as follows:

Tier 1 includes the "everyday" operation and maintenance expenses that are, for the most part, paid out of districts' general funds and therefore shared by the state and local districts through the general fund funding formula.

Tier 2 includes expenses for "major maintenance" needs, such as roofs and boilers, and accumulated deferred maintenance. Some districts, to varying degrees, are able to afford these costs through voted building reserve levies. Other districts pay these costs with Impact Aid revenue, whereas others use nonlevy revenue from resources like oil and gas. Some districts continue to struggle to afford with these costs.

Tier 3 includes expenses for capital construction, including major renovations, additions, and new buildings. These expenses are generally financed through voted bonds and, to some extent, costs are subsidized for poorer districts through facility reimbursements commonly referred to as debt service GTB.

### **School Facility and Technology Account**

At the May meeting, the commission also learned that because of insufficient revenue in the state school facility and technology account, the "prorate" for facility reimbursement payments to districts would be 39.6 percent, the lowest in program history. This means that districts will receive reduced subsidy payments to their debt service funds to repay school facility bonds for Tier 3 expenses.

At its upcoming June meeting, the commission will discuss various means of shoring up the revenue stream for this account so that the facility reimbursements may be fully funded rather than prorated. The school facility and technology account is also the account used to fund the currently unfunded Quality Schools Grant Program.

The commission is exploring the possibilities for constructing a new grant program to assist districts with Tier 2 needs. Proposals for this new grant program will be discussed in June, along with proposals to revise the INTERCAP loan program and to provide districts with increased flexibility to transfer unexpended funds from their general funds to the building reserve fund.

### **Funding for Students with Special Needs**

During the course of the interim, the commission has investigated funding issues related to special education students and gifted and talented students. Although total expenditures for special education have tripled in the past 25 years, the state special education payment has been fairly flat, in part because the inflationary adjustment applied to other district general fund components has not applied to the special education payment.

The commission did not come to agreement about applying the statutory inflationary adjustment but will consider in June proposals to increase the special education payment. Some of the proposals will be aimed at distributing more funds to the

21 special education cooperatives that provide certain services — such as occupational and speech therapy and school psychologists — to 36 percent of Montana's schoolchildren in more than 300 smaller and largely rural school districts.

The commission also looked at extending the cutoff age for receiving state education funding, which is currently 19 years old. This can affect students with disabilities whose IEPs (Individualized Education Plans) indicate that they would benefit from additional time in reaching their educational goals. However, the commission did not reach a consensus about advancing a proposal.

Gifted and talented children are also under Montana's definition of students with special needs, and state accreditation standards require that school districts help teachers identify and meet the needs of these high-ability/high-potential students. The commission heard from gifted and talented advocates throughout the interim and examined Montana's current grant program that distributes \$250,000 to the roughly 70 districts that apply for the grants. The commission may address gifted and talented funding again in June but is also contemplating requesting a study of special needs education funding in its entirety.

### Health Care Costs

The commission will also review in June a study proposal to examine K-12 school employee health benefits and mechanisms to address rising costs to districts and employees.

### Next Meeting

The commission will meet at 8:30 a.m. on June 13 in Room 102 of the Capitol in Helena. For more information on the commission's activities and upcoming meeting, please visit the commission's website or contact Pad McCracken, commission staff.

Commission Website: [www.leg.mt.gov/sfc](http://www.leg.mt.gov/sfc)

Commission Staff: [padmccracken@mt.gov](mailto:padmccracken@mt.gov) or 406-444-3595

## State Administration Committee Changes June Meeting Date

The State Administration and Veterans' Affairs Interim Committee has changed its June meeting date from June 21 to June 8. The main agenda items for the meeting will cover the following topics:

- Veterans issues, including the Veteran Administration's suicide prevention program in Montana and local community task forces.
- Campaign finance and updates about recent court cases.

- A review and panel discussion of a preliminary bill draft to require that commercial websites collecting personal information on Montana consumers post a privacy policy. The policy must notify consumers about how personal information is collected and used and whether the information is shared or sold.
- A review and discussion of a preliminary bill draft to eliminate the statutory requirement that a report on state information technology activities be specifically presented to the committee.
- A status report about an information request made by a reporter to the Teachers' Retirement System and the Montana Public Employees' Retirement Administration. The reporter, James DeHaven, asked for several years of data about the retirement benefit amounts paid to retirees by name and agency.

Election laws and the committee's preliminary bill draft to clean up provisions related to the passage of a general revision bill — House Bill 84 (2015) — will not be discussed until the committee's August meeting.

### Next Meeting

The committee will meet on June 8 in Room 102 of the Capitol in Helena at a time to be determined. For more information on the committee's activities and upcoming meeting, please visit the committee's website or contact Sheri Scurr, committee staff.

Committee Website: [www.leg.mt.gov/sava](http://www.leg.mt.gov/sava)

Committee Staff: [sscurr@mt.gov](mailto:sscurr@mt.gov) or 406-444-3596

## Task Force on State Public Defender Operations Requests Bill Drafts

The Task Force on State Public Defender Operations met in May to hear research it had previously requested on a range of topics. The task force then requested a variety of preliminary bill drafts for further discussion at its next and final meeting in September.

### Research Presented and Topics Discussed

Following are some of the research requests and other topics discussed at the May:

- Interstate comparisons of federal public defenders' pay and benefits.
- National guidelines for the appointment of a public defender to absentee parents in dependent abuse or neglect cases.

- Options for restructuring the management and administration of the Office of the State Public Defender.
- Collection of court-levied fees on indigent defendants for public defender services.
- Options for determining defendants' eligibility for public defender services.
- The Public Defender Commission's pending strategic plan.

## Holistic Defense

Ann Sherwood, managing attorney for the Tribal Defenders Office of the Confederated Salish and Kootenai Tribes, briefed the task force on the concept of holistic defense and the CSKT's program to provide a range of social services to help keep clients from getting pushed further into the criminal justice system or to divert them out of the system altogether.

## OPD Staffing

Task force members and OPD staff also exchanged ideas for adding additional or more effectively deploying current social workers in OPD operations, reallocating employees for eligibility determination, implementing or expanding mentorships within the OPD, and plans and options for expanding the pool of contract attorneys across the state.

## OPD Operations

The task force also reviewed suggestions from stakeholders regarding options to improve OPD operations. Recommendations that were considered ranged from training and mentoring to expanding the pool of contract attorneys to different approaches for addressing OPD workloads.

## Preliminary Bill Draft Requests

Task force members narrowed the scope of their interest areas by making motions for bill drafts that task force members could further consider in September. Motions for the following bill draft concepts passed by majority vote:

- Create an executive director position to supervise the chief public defender, the appellate defender, and the conflict coordinator. The executive director would be appointed by the governor. The bill would also convert the Public Defender Commission to an advisory body.
- Establish a holistic defense pilot program in four locations around Montana. The program would be modeled on the CSKT Tribal Defenders program.
- Transfer determination of eligibility for a public defender from the OPD to the presiding court. The bill would include language about ensuring consistent statewide standards for determining eligibility.

- Transfer determination of eligibility for a public defender from the OPD to the Department of Public Health and Human Services. The bill would also include language about ensuring consistency statewide for determining eligibility.
- Make the Montana Department of Revenue responsible for collecting the fee imposed by a judge pursuant to 46-8-113, MCA, for public defender services.
- Establish a chief administrator position in line with the organizational structure of the Public Defender Commission's recommended organizational structure as outlined in its draft strategic plan.
- Require the Public Defender Commission to contract for a "Workload Assessment Study" of the Office of the State Public Defender similar to the Montana District Courts Judicial Workload Assessment Study conducted by the National Center for State Courts in 2006.
- Clarify statute to clearly grant the Public Defender Commission and the Office of the State Public Defender the authority to set different contractor rates in different areas of the state.
- Statutorily separate the OPD, the Appellate Defender Office, and the Conflict Coordinator Office to ensure there is no conflict or consultation in budgeting between the separate offices.
- Statutorily prohibit the OPD from providing legal counsel to a putative father in a dependent neglect case.
- Statutorily require the Public Defender Commission to set "soft caps" for OPD and Appellate Defender Office contractor caseloads.

## Comments

The task force also agreed to continue receiving comments from stakeholders regarding the OPD's Draft Strategic Plan. Comments may be sent to Dave Bohyer by e-mail at [dbohyer@mt.gov](mailto:dbohyer@mt.gov), by U.S. Mail at P.O. Box 201706, Helena, MT 59620-1706, or by facsimile at 406-444-3036.

## Next Meeting

The task force will meet on Sept. 12 at the Capitol in Helena at a time to be determined. For more information on the task force's activities and upcoming meeting, please visit the task force's website or contact Dave Bohyer, task force staff.

Task Force Website: [www.leg.mt.gov/tfspdo](http://www.leg.mt.gov/tfspdo)

Task Force Staff: [dbohyer@mt.gov](mailto:dbohyer@mt.gov) or 406-444-3592

# The Back Page

## A Peek Backstage at Legislative Services

by Sheri Scurr, Research Analyst  
Montana Legislative Services Division

Critical to any successful performance are the folks backstage who ensure that the scripts are well written and accurate, that actors get their makeup and wardrobes right and on time, that everyone has access to all of the right props, that the backdrops for every scene are attractive and appropriately placed, that the audience can see the stage, and that all of this is accomplished in a healthy and safe environment so that if someone yells “Fire!” no one will get trampled.

### Stage Manager, Property Master, and More



The stage manager, property master, and more for the legislative branch is Lenore Adams. She has worked for Legislative Services for 19 years. It's impossible to sum up her duties with one job title. She wears many hats under an umbrella called facilities and continuity.

Lenore's work encompasses everything from coordinating with General Services for

cleaning, to responding to concerns about hearing rooms being too hot or too cold, to protecting the artwork, carpets, and furniture in the legislative space throughout the Capitol, and so much more. If a legislative committee, an executive or judicial agency, or even a nonprofit group needs a meeting room set up in a particular way, Lenore answers the call. If there is a public safety concern or a physical security risk, Lenore is on it. And guess who coordinates emergency response training for legislative staff and legislators and plans for the public's safety in case of an earthquake, flood, fire, bomb threat, active shooter, or other crisis situation at the Capitol? You guessed it: Lenore. But she's not just focused on helping us get through an immediate crisis. She's also continually planning for the continuity of legislative operations in the aftermath of a disaster, natural or otherwise.

“Often, when I and my team are doing our best work and working the hardest, the average employee, legislator, or member of the public is blissfully unaware of the situation, and we work very hard to keep it that way,” says Lenore. One of the most challenging parts of her job, she says, is the daily balancing act and juggling that goes on with all of the various

activities that take place each day in different ends and on different floors of the Capitol building and even on the Capitol grounds. Lenore says the most rewarding part of her job is “interaction with a wide variety of interesting people, helping to care for and preserve this beautiful historic building and its art and furnishings. I also enjoy the feeling that we are making a difference in people's lives here in Montana. We are being an active part of our democracy.”

When she's not here at the Capitol hard at work setting the stage and looking out for our safety, Lenore is quilting, hiking, and gardening. Not surprisingly, she is also a 16-year active member of Lewis and Clark County Search and Rescue. Thank you, Lenore, for all you do!

### Script Technician and Comma Crew Leader



Oh, what a difference a comma can make. What if editing and proofreading errors in the Bill of Rights have led us to misinterpret the intent behind one or more of some of our most cherished American rights? A reader of *The Atlantic* magazine once commented to the editor that commas were incorrectly placed in the text of the Second Amendment,

which articulates our right to keep and bear arms. Part of the reader's comment follows:

Upon completion of his assignment as U.S. minister to France and return from Paris to assume his position as secretary of state under George Washington, Thomas Jefferson, the best scribe among the Founding Fathers and possibly the best educated, was appalled at the grammar of the Second Amendment. He attempted to correct its grammatical mistakes — specifically, misplaced commas — but the text of the proposed amendment, along with the other nine amendments that would come to be known as the Bill of Rights, had already been sent out to the states for ratification, so it was too late.

The text of the Second Amendment as ratified by the states and added to our Constitution reads:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Ignoring for the moment that “well-regulated” should be hyphenated, the reader said that the commas after the word “Militia” and the word “Arms” were mistakes and that if these stray commas had not somehow found their way into the text, the meaning of the Second Amendment would be more clear. The reader said that the text of the Second Amendment should have read:

A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.

Given the potential to influence interpretations that even the humble comma holds, thank goodness that Montana’s legislative branch has a proofreader like Kip Rusek. If a comma that the legislative editors have either deleted or inserted does not end up as intended, Kip makes sure it gets fixed prior to becoming law.

Kip’s job title is senior proofreader. It doesn’t sound glamorous, but it identifies a position with critical responsibilities. Kip is a 20-year veteran with the Legislative Services Division who moved from Texas to Montana after she fell in love with the mountains during a family vacation to Big Sky. She’s a one-person crew between sessions, handling all of the proofreading when session laws are being codified, the annotations are being readied for print, and other branch material is being produced. During sessions, she hires and supervises a small team of proofreaders who help with the 1,500 to 2,000 bill drafts that are readied for introduction. And, most of the bills that do get introduced are amended more than once during a session and thus pass through the editors’ and proofreaders’ hands again. So, it’s comforting to know that, in a far corner basement office backstage, Kip is ensuring that commas are not lost or misplaced, that a change from a \$50 fine doesn’t become a \$5,000 fine, and that a change of an effective date from 2015 to 2017 doesn’t become 2027.

Kip says that the most challenging part of her job is hiring and supervising session proofreaders. She has about three days to train people who may have no prior legislative experience. “Squishing” three or four proofers into her basement office with stacks of bills is also a challenge, she says. But, Kip says, it is also wonderfully rewarding to find that dropped comma, correct that mistyped number, and ensure that the effective date on a bill is correct, especially when the bill drafter then says, “Wow! Thanks, Kip!”

Kip jokes: “The drafters and editors do the big work — I just sweep up the crumbs.” All of us would agree, however, that those crumbs are significant and that her work for Legislative Services really does make all the difference.

Aside from her work, Kip loves geocaching and is actively involved in the Helena club. In her usual fun-loving way, Kip laughs and says, “Geocaching takes you places you didn’t even know existed. And, we get to use million dollar satellites to find Tupperware hidden in the woods.” Thanks, Kip, for being a comma commando and crew leader!

## Set Designer and Production Specialist

Trista Glazier is a relative newcomer to the Legislative Services



scene, but with her education and experience she is a critical part of the backstage work that keeps our legislative branch website current. A Utah native, Trista has worked various jobs that required attention to special pieces of projects. She’s excited to now be applying her creative energies working on a big redesign project from the ground up: revamping and modernizing the legislative

branch’s website.

Content for the website comes to Trista from all directions and in all forms and fashions. Whether the content is a research report with various hotlinks and graphics, an audio or video file, a press release, or a spreadsheet, chart, or graph — and whether it comes from staff of the Legislative Fiscal Division, Legislative Audit Division, or Legislative Services Division — it’s Trista’s job as the web content and publications specialist to do the layout and design, format and code it for the Web, and push it to the live website. Trista must be responsive to what the content authors want even while suggesting how the content might be best displayed, illustrated, and made accessible to legislators and the public. Trista says this is her greatest challenge — balancing the needs and desires of her legislative staff customers with her sensibilities about what looks best and is most user-friendly. And, she does all of this while also working on the future redesign of the branch website.

Being a member of the backstage team that is helping design and produce a new set of backdrops for this multifaceted, legislative branch stage production is what motivates her, Trista says. “It’s incredibly rewarding to be part of the team for this creative project. We’re all working together.”

It seems appropriate, then, that Trista loves the theatre. In her spare time, between raising her two kids and helping run a 60-acre hobby farm in the north Helena valley, Trista enjoys being a part of Grandstreet Theatre productions and the Last

Chance New Play Fest. Thanks, Trista, for bringing your talents to the Legislative Services Division!

### **Coming Soon...**

There are many other talented folks backstage who perform critical tasks so that the legislative branch functions. Sadly, not all of them can be highlighted in one brief article. We hope to catch up with more of our great crew members in future peeks backstage.